REMARKS

Applicants have studied the Office Action dated June 19, 2003 and have made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-38 are pending. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, the Examiner:

(2)   Objected to the abstract because of format;

(3)   Objected to claims 1-28 because the acronyms IWSP and DA are not spelled out;

(4)   Oath or Declaration is defective because of missing inventors' signatures;

(5-22) Rejected claims 1, 2, 6-38 under 35 U.S.C. §103(a) as being unpatentable over Gerszberg et al (US 6,044,403) in view of Johnson (US 6,366,578); and

(23-26) Rejected claims 3-5 under 35 U.S.C. §103(a) as being unpatentable over Gerszberg et al (US 6,044,403) in view of Johnson (US 6,366,578) and in further view of Petty et al. (US 6,337,858).

(2) Rejection of Abstract

As noted above, the Examiner objected to the abstract because it was over 150 words in length. A substitute abstract has been submitted that is 150 words in length. The Applicants submit that the substitute abstract fully complies with the proper language and format and respectfully request that the Examiner's objection be withdrawn.

(3) Objections to the Claims

As noted above, the Examiner objected to claims 1-28 because the acronyms IWSP and DA are not spelled out. The Applicants have amended claim 1 from which claims 2-28 depend. The acronyms as defined is the specification are as follows and have been included in claim 1 (i) IWSP – Intelligent Workstation Platform and (ii) DA – Directory Assistance. The Applicants submit that the Examiner's objection has been

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overcome and that the Examiner's objection be withdrawn.

(4) Defective Oath

As noted above, the Examiner stated the Oath or Declaration is defective because of missing inventors' signatures. A copy of the Oath properly complying with 37 C.F.R. 1.67(a) which identifies the application and filing date and executed by all inventors is attached. Inventor Paul Ringhof executed the Oath on May 11, 2000; Edward Dahmus executed the Oath on May 16, 2000; Inventor Cohen signed the Oath on May 17, 2000; Inventor Klimer signed the Oath and provided his residence information on May 17, 2000; Uzi Shvadron executed the Oath on May 11, 2000; and Inventors Wong and Hood executed the Oath on May 11, 2000. All signature pages were provided and attached to the Application. The original Oath was signed in counterparts where the inventors signed a separate and distinct copy of the original document properly complying with 37 C.F.R. 1.67(a). There is no requirement under the rules or under contract law that each inventor sign the same single copy of the oath. The Oath was executed in counterparts, each of which when executed was deemed an original, but all such counterparts together constitutes one and the same instrument.

The Applicants submit that the Examiner's objection has been overcome.

Overview of Current Invention

The present invention solves the problem in caller center applications such as directory assistance systems (DAS) networks where telephony functions must be coordinated with agent (e.g. a directory assistance operator or help center operator) availability functions. Unlike the prior art solutions that use a switch and a PSTN phone to communicate information to an Automated Call Director (ACD), the current invention eliminates the need of switching through use of a Virtual ACD which remains compatible with the H.323 protocol while allowing integration of VoIP into a directory assistance system (DAS) by using JavaPhones. The use of JavaPhones allows phone calls from a computer or telephone to IP addresses or telephones, without the limitation

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of sending only text, graphics, or other files. It provides voice-quality conversations over Intranets, PSTN gateways, the Internet, or a PBX. The JavaPhone supports connection from a regular phone device to the standard serial port (using ShelCad Hi-Phone device). This device enables private and natural talking on a regular phone. All the regular phone operations (*dial, hang-up, flash,* etc.) can be done from the regular phone device and are reflected in the GUI. The JavaPhone is H.323-compliant, IP-based phone. It meets industry standards, including RTP streaming, H.323 signaling, G.711, G.723, and GSM CODECs, and it even interoperates with Microsoft's® NetMeeting and H.323 PSTN GateWay. For more information on JavaPhone also called "Phone for Java" see online URL <www.alphaworks.ibm.com/tech/phone4java>.

The present invention through use of a special protocol to relay agent information to the Virtual ACD agent permits backward compatibility with H.323 signaling along with the ability to relay directory assistance operated status and provides screen-based interface to the agent for alerting and agent availability.

In order to more particularly point out this feature of a <u>JavaPhone</u> integrated in an Intelligent Workstation Platform (IWSP) for a call center environment e.g. <u>directory assistance</u> which permits backward compatibility with H.323 signaling <u>between the JavaPhone and the IWSP without the use of a Call Processing Gateway (CPG)</u>, the following language has been added to the independent claims, i.e., claims 1, 28, and 34 as follows:

- Claim 1

    said JavaPhone means provides a <u>JavaPhone with audio support in an</u>
    <u>Intelligent Workstation Platform (IWSP) including</u> audio controls/status
    and/or call controls/status;

    said PlusTcp means provides TCP/IP communication support for local socket
    connections to said JavaPhone means, <u>wherein the local socket</u>
    <u>connection is used for communicating both audio and call control</u>
    <u>operations between the JavaPhone means and the IWSP without the use</u>

of a Call Processing Gateway (CPG) while maintaining compatibility with the H.323 protocol;

said PlusTapi means enumerates commands and data items to ~~a~~the IWSP ~~platform~~ to allow a Directory Assistance (DA) operator to communicate with said JavaPhone means and perform related audio and call control operations including all switch related messaging.

- Claims 28 and 34

computer program code means for processing Voice Over IP (VoIP) data TCP/IP communications in support of local socket connections with a PlusTcp means, wherein the local socket connection is used for communicating both audio and call control operations between a JavaPhone means and the IWSP without the use of a Call Processing Gateway (CPG) while maintaining compatibility with the H.323 protocol;

computer program code means for processing user call audio control/status and call controls/status with a JavaPhone means with a JavaPhone for providing audio support in the IWSP;

computer program code means for processing user interface commands and data items to ~~a~~the IWSP platform to allow a Directory Assistance (DA) operator control/status with a PlusTapi means including all switch related messaging;

Support for this amendment language is found in the specification of the present invention as originally filed at pages 5-6 and 15-16 along with FIGs. 2 and 3.

(5-22) Rejection under 35 U.S.C. §103(a) under Gerszberg and Johnson

As noted above, the Examiner rejected claims 1, 2, 6-38 under 35 U.S.C. §103(a) as being unpatentable over Gerszberg et al. (US 6,044,403) in view of Johnson (US 6,366,578). Independent claims 1, 28, and 34 have been amended to distinguish over

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Gerszberg taken alone and/or in view of Johnson.

In contrast, the system as taught by Gerszberg is not for use in a call center application such as a directory assistance system (DAS) network. Rather, the system as taught by Gerszberg is for providing additional telephony services to consumers through an existing twisted pair using an Intelligent Services Director (ISD) 22 typically located on a customer premise to act as a bridge system supporting a variety of consumer interfaces.

The use of "Java" by Gerszberg is in the context of a Java based server; see Gerszberg col. 1, lines 14-15, and col. 19, lines 14-20. In contrast the use of Java in the present invention is for JavaPhone, which runs on a client system such as the Intelligent Workstation Platform (IWSP) of the present invention. In the language of claim 1:

> said JavaPhone means provides a <u>JavaPhone with audio support in an</u>
> <u>Intelligent Workstation Platform (IWSP) including</u> audio controls/status
> and/or call controls/status;

The Applicants respectfully submit that the Examiner did not properly consider the meaning of JavaPhone as recited in the claim and this distinguishes Gerszberg's use of Java server. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).[1]

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[1] The Federal Circuit held a reference did not render the claimed combination *prima facie* obvious because *inter alia*, the Examiner <u>ignored material, claimed temperature limitations</u> which were absent from the reference. See MPEP §2143.01 In *In re Fine*, the claims were directed to a system for detecting and measuring minute quantities on nitrogen compounds comprising a gas chromatograph, a converter which converts nitrogen compounds into nitric oxide by combustion, and a nitric oxide detector. The primary reference disclosed a system for monitoring sulfur compounds comprising a chromatograph, combustion means, and a detector, and the secondary reference taught nitric oxide detectors. The examiner and Board asserted that it would have been within the skill of the art to substitute one type of detector for another in the system of the primary reference, however the court found there was no support or explanation of this conclusion and reversed.

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Accordingly, the present invention distinguishes over Gerszberg taken alone for at least this reason.

Continuing further, Gerszberg is silent on call center applications with the following claim elements

>said PlusTcp means provides TCP/IP communication support for local socket connections to said JavaPhone means, <u>wherein the local socket connection is used for communicating both audio and call control operations between the JavaPhone means and the IWSP without the use of a Call Processing Gateway (CPG) while maintaining compatibility with the H.323 protocol</u>;

>said PlusTapi means enumerates commands and data items to <u>the</u> IWSP to allow a <u>Directory Assistance (DA)</u> operator to communicate with said JavaPhone means and perform related audio and call control operations <u>including all switch related messaging</u>.

Accordingly, the present invention distinguishes over Gerszberg for at least these reasons.

As the Examiner correctly states on page 4 of the Office Action, Gerszberg does not specifically disclose "*said PlusTapi means enumerates commands and data items to a IWSP to allow a DA operator to communicate with said JavaPhone means and perform related audio and call control operations.*" and goes on combine Gerszberg with Johnson.[2]

Johnson is directed to a Communications System 50, which includes the functionality of a PBX (private branch exchange) for both voice and data services in an office. Johnson provides a method to implement national language capabilities by a non-software programmer. The functionality of Johnson's Communication System 50 for voice and

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[2] Applicants make no comment on whether such combination is even proper.

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data handling is prior art as shown in the present invention as the Call Director 1110 in FIG.1 and 103 of FIG. 3. The Intelligent Workstation Platforms (IWSP) of the present invention functionality is handled at the operator or agent consoles with a JavaPhone 105, 4400. In contrast the consoles 24 of FIG. 2 as taught by Johnson are client computers without such capability. This is important because it is necessary to emulate many of the functions of the Automatic Call Director 103, 1110 (Johnson's Communication System 50) into a Virtual Automatic Call Director 2203 as shown in FIG. 2 in order to correctly work with a JavaPhone 105, 4400. This preserves well-established interfaces between the Intelligent Workstation Platforms (IWSP) of the present invention to prior art Call Directors 103, 1110 as shown in the present invention (e.g. Johnson's Communication System 50). Accordingly, the present invention distinguishes over Gerszberg taken alone and/or in view of Johnson for at least this reason.

Although Johnson mentions managing H.323 data streams, Johnson is silent on "said PlusTapi means enumerates commands and data items to the IWSP to allow a Directory Assistance (DA) operator to communicate with said JavaPhone means and perform related audio and call control operations including all switch related messaging." More specifically, Johnson is silent on the concept of a directory assistance system (DAS) network including all switch related messaging and interfacing with a JavaPhone. Accordingly, the present invention distinguishes over Gerszberg taken alone and/or in view of Johnson for at least this reason as well.

Further, Johnson is silent on "operations between the JavaPhone means and the IWSP without the use of a Call Processing Gateway (CPG) while maintaining compatibility with the H.323 protocol. Accordingly, the present invention distinguishes over Gerszberg taken alone and/or in view of Johnson for at least this reason as well.

Independent claims 1, 28, and 34 have been amended to distinguish over Gerszberg taken alone and/or in view of Johnson. Claims 2, 6-27, and 29-33 and 35-38 depend from claims 1, 28, and 34 respectively; since dependent claims contain all the limitations of the independent claims, claims 2, 6-27, and 29-33 and 35-38 distinguish

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over Gerszberg taken alone and/or in view of Johnson, as well.

(23-22) Rejection under 35 U.S.C. §103(a) under Gerszberg and Johnson and Petty

As noted above, the Examiner rejected claims 3-5 under 35 U.S.C. §103(a) as being unpatentable over Gerszberg et al (US 6,044,403) in view of Johnson (US 6,366,578) and in further view of Petty et al. (US 6,337,858). As the Examiner correctly stated in the Office Action at page 7, *"Gerszberg and Johnson do not specifically disclose TCP/IP communication occurs between PC-to-phone endpoints"* and goes on combine Gerszberg with Johnson and Petty.[3] Independent claim 1 has been amended to distinguish over Gerszberg in view of Johnson and in further view of Petty. Petty does not teach a JavaPhone. The use of "Java" by Petty is in the context of a Java based server downloading Java Applets to clients 18, 20 or subscriber workstations 34. See Petty col. 7, lines 17-21, and col. 8, lines 1-4. In contrast the use of Java in the present invention is for JavaPhone which runs on a client system such as the Intelligent Workstation Platform (IWSP) of the present invention where the JavaPhone enables private and natural talking on a regular phone (i.e. not an IP phone or internet phone but a POTs analog phone) directly linked to the IWSP. Accordingly, the claim 1 of the present invention distinguishes over Gerszberg taken alone and/or in view of Johnson and/or in view of Petty for at least this reason.

Continuing further, Petty is silent on call center applications with the following claim elements

> said PlusTcp means provides TCP/IP communication support for local socket connections to said JavaPhone means, wherein the local socket connection is used for communicating both audio and call control operations between the JavaPhone means and the IWSP without the use of a Call Processing Gateway (CPG) while maintaining compatibility with the H.323 protocol;

> said PlusTapi means enumerates commands and data items to the IWSP to

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[3] Applicants make no comment on whether such combination is even proper.

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allow a <u>Directory Assistance (DA)</u> operator to communicate with said JavaPhone means and perform related audio and call control operations <u>including all switch related messaging.</u>

Accordingly, the present invention distinguishes over Gerszberg taken alone and/or in view of Johnson and/or in view of Petty for at least this reason as well.

Independent claim 1 has been amended to distinguish over Gerszberg taken alone and/or in view of Johnson and/or in view of Johnson. Claims 3-5 depend from claim 1. Since dependent claims contain all the limitations of the independent claims, claims 2, 6-27, and 29-33 and 35-38 distinguish over Gerszberg taken alone and/or in view of Johnson, and/or in view of Petty as well.

CONCLUSION

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims as amended.

In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

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Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

Date: September 18 , 2003

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